

REMARKS/ARGUMENTS

In response to the Final Office Action of March 3, 2006, Applicants have amended claim 11, and canceled claims 14-18, which, when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of pending claims 11-13 is respectfully requested.

Claims 11-13 remain rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner finds the phrase “rapamycin or a derivative thereof or ascomycin or a derivative thereof” indefinite. In order to advance prosecution of this application, claim 11 has been amended to recite in relevant part: “and the product is rapamycin or 40-O-(2-hydroxy)ethyl rapamycin or ascomycin or a derivative thereof selected from the group consisting of 33-epi-chloro-33-desoxyascomycin, 5,6-dehydro-ascomycin or FK506.” Support for the amendments to claim 11 may be found throughout the specification, e.g., on page 3, lines 14-24. Applicants reserve the right to file one or more continuation applications directed to the subject matter recited in claim 11 prior to this amendment. Accordingly, withdrawal of the rejection of claims 11-13 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Applicants acknowledge the Examiner’s finding that claim 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants also acknowledge the Examiner’s finding that claims 11, 12, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 USC. 112, second paragraph set forth in the office action and to include all of the limitations

of the base claim and any intervening claims. Applicants have therefore canceled claim 17 and incorporated the subject matter recited therein into claim 11.

Accordingly, in view of the foregoing remarks and amendments, the present application is believed to be in condition for allowance, which action is earnestly solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann R. Pokalsky". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ann R. Pokalsky
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Date: August 2, 2006